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Melody McAnally

December 17, 2004

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**VIA HAND-DELIVERY**

**FILE COPY**

The Honorable Alfred G. Nicols, Jr.  
United States Magistrate Judge  
United States District Court for the  
Southern District of Mississippi – Jackson Division  
245 E. Capitol Street, Room 502  
Jackson, MS 39201

RE: *Olivia Y., et al. v. Barbour, et al.*, Civ. Action No. 3:04CV251LN

Dear Judge Nicols:

Enclosed for your consideration is the original and four (4) copies of a proposed Amended Case Management Order. The parties have conferred and agreed upon the enclosed Order, which we believe accurately sets forth Your Honor's rulings at our recent scheduling conference.

If the Order meets with your approval, please sign it and forward it to the Clerk for entry. I have included a self-addressed, postage pre-paid envelope for the Clerk to forward me a filed "STAMPED" copy.

Thank you for your consideration. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody McAnally".

Melody McAnally

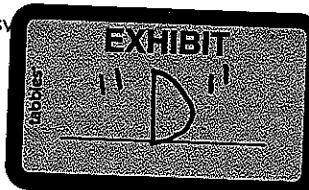
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cc: Betty Mallett, Esq. and Sam Scott, Esq.  
Harold Pizzetta, Esq.

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BIRMINGHAM

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OMERY

WASHINGTON, DC

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**AMENDED CASE MANAGEMENT ORDER**

This Order, including the deadlines established herein, having been established with the participation of all parties, can be modified only by order of the court upon a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record. THE CASE MANAGEMENT ORDER IS HEREBY ORDERED AMENDED AS FOLLOWS:

1. **Pre-Discovery Mandatory Disclosure:**

A. Plaintiffs: Plaintiffs shall comply with all pre-discovery disclosure requirements pursuant to Uniform Local Rule 26.1(A) by December 28, 2004, including the production of all documents identified in Plaintiffs' June 3, 2004 Initial Mandatory Disclosures.

B. Defendants shall comply with all pre-discovery disclosure requirements pursuant to Uniform Local Rule 26.1(A) by December 28, 2004. Defendants shall also produce all MACWIS-computerized documentation regarding the current Named Plaintiffs by December 28, 2004. Any documents not disclosed on the basis of privilege shall be identified in a privilege log pursuant to Rule 26 (b)(5) of the Federal Rules of Civil Procedure. Defendants are hereby ordered to disclose and produce during this litigation discoverable documents maintained by the Department of Human Services pursuant to the Confidentiality Order herein notwithstanding the provisions of sections 43-21-251 and 32-21-261 of the Mississippi Code Annotated (1972), and other applicable statutes relating to the confidentiality of such records.

2. **Periodic Supplementation:** Defendants shall produce quarterly supplementation to the initial disclosure of current Named Plaintiff case records, including all MACWIS-computerized documentation. Quarterly supplementation shall occur within 14 days of the end of each calendar quarter, with the first such

supplementation to be produced by January 14, 2005. The first quarterly supplementation shall include all current Named Plaintiff case records that have not been produced since the initial disclosure on July 9, 2004.

3. **Motions:**

- A. Defendants' Opposition to Plaintiffs' Motion for Class Certification shall be filed by January 17, 2005.
- B. Plaintiffs' Reply to Defendants' Opposition shall be filed by January 31, 2005.

3. **Trial Scheduling Deadlines:**

- A. **Trial:** This action is set for trial commencing on February 13, 2006.
- B. **Pretrial:** The pretrial discovery conference is set on January 12, 2006.
- C. **Discovery:** All discovery shall be completed by October 13, 2005.
- D. **Experts:** The parties' experts shall be designated by the following dates:
  - a. Plaintiffs: August 15, 2005
  - b. Defendants: September 15, 2005
- E. **Trial Motions:** All motions other than motions *in limine* shall be filed by: October 28, 2005.

**ORDERED:**

Date \_\_\_\_\_

UNITED STATES MAGISTRATE JUDGE